



# State of New York

## Executive Chamber

No. 153

### EXECUTIVE ORDER

#### DECLARING A DISASTER IN THE COUNTIES OF BRONX, KINGS, NASSAU, NEW YORK, ORANGE, PUTNAM, QUEENS, RICHMOND, ROCKLAND, SUFFOLK, AND WESTCHESTER, AND CONTIGUOUS AREAS

**WHEREAS**, on or about January 23, 2016 and continuing thereafter, hazardous winter weather conditions exist in New York City, Long Island, and several other counties due to a Nor'easter impacting the region across several states. Snowfall totals of 18 to 24 inches are forecast in New York City and Long Island with the potential for blizzard conditions. Moderate coastal flooding in Long Island during high tide is also possible with wind speeds between 30 and 40 mph and wind gusts up to 55 mph that could cause scattered power outages. This Nor'easter could impact New York State and poses an imminent danger to vital public transportation, utility service, and public health and public safety systems within the counties of Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester, and their contiguous areas; and

**WHEREAS**, this event may cause widespread power outages, moderate to severe coastal erosion and flooding, damage to homes, apartments, businesses, and public and private property, damage and uproot trees, and continue to pose a threat to the public health and safety;

**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby declare a State Disaster Emergency effective January 23, 2016 within the territorial boundaries of the counties of Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester, and their contiguous areas, and

**FURTHER**, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective January 23, 2016, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the Division of State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Department of Corrections and Community Supervision, the Public Service Commission, the Office of Fire Prevention and Control, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the State University of New York, the Thruway Authority, the Division of Homeland Security and Emergency Services, other State agencies as necessary, and the American Red Cross to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety.

**IN ADDITION**, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to hasten the movement of utility power restoration crews into New York State.

**IN ADDITION**, this declaration satisfies the requirements of Executive Law 29-g, which authorizes use of the Emergency Management Assistance Compact and satisfies the requirements of Executive Law 29-g(3)(c).

**FURTHER**, I have designated John Melville, Commissioner of the Division of Homeland Security and Emergency Services, as the State Coordinating Officer for this event.

**FURTHER, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend, for the period from the date of this Executive Order until January 25, 2016, the following laws:

Section 38(1), (2) and (3) of the Highway Law and Article 4-C of the Economic Development Law, to the extent that the Commissioner of Transportation determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and to use such services when needed;

Section 9(2) and (4) of the Public Buildings Law and Article 4-C of the Economic Development Law, to the extent the Commissioner of General Services determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above six hundred thousand dollars;

Section 97-G of the State Finance Law, to the extent that the Commissioner of General Services or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency.

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to add additional work, sites and time to State contracts, to award emergency contracts or award leases for relocation and support of State operations under Public Buildings Law Section 3, to award emergency contracts under Public Buildings Law Section 9, to award emergency contracts for professional services under Section 136-a of the State Finance Law and to award emergency contracts for commodities, services, technology and materials pursuant to Section 163 of the State Finance Law;

Section 136-a of the State Finance Law, to the extent that the Commissioner of Transportation or the Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent of allowing the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services to purchase necessary commodities, services, technology and materials without following the standard notice and procurement processes;

Article 8 of the Environmental Conservation Law, and Part 15 of Title 17 and Part 617 of Title 6 of the New York Code of Rules and Regulations, to the extent that the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures; and

Part F of Chapter 60 of the Laws of 2015, to the extent of allowing the Commissioner of Transportation or the Commissioner of General Services to award design-build and best value contracts without following the proscribed procurement process.

**FURTHER**, I hereby temporarily modify, for the period from the date of this Executive Order until January 25, 2016, the following laws:

Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; Section 19-107(ii) of the New York City Administrative Code; and Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets.



GIVEN under my hand and the Privy Seal of the

State in the City of Albany this twenty  
third day of January in the year two  
thousand sixteen.

A handwritten signature in black ink, appearing to read "A. Cuomo".

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "William J. Mahon".

Secretary to the Governor